

**ORDINANCE NO. 1095 – 2017**

**AN ORDINANCE OF THE CITY OF MIAMI SPRINGS, FLORIDA, CREATING SECTION 35-60, “SHARE PLAN” OF THE CITY’S CODE OF ORDINANCES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the City of Miami Springs (“City”) has an established pension plan for the City’s Police and Firefighters, which is codified in Article II, Chapter 35 of the City’s Code of Ordinances (“Code”); and

**WHEREAS**, the City and the Florida State Lodge Fraternal Order of Police, Inc. recently entered into a Collective Bargaining Agreement (“Agreement”) for fiscal years 2017-2018 through and including 2019-2020; and

**WHEREAS**, the City’s Police and Firefighters Retirement System (“System”) is governed, in part, by Chapter 185, Florida Statutes; and

**WHEREAS**, Chapter 185, Florida Statutes, was amended in 2015 by Senate Bill 172, which became law under Chapter 2015-39, Laws of Florida; and

**WHEREAS**, Chapter 185, Florida Statutes requires the creation of a defined contribution “share plan” to provide “special benefits” to police officers, funding with available “additional premium tax revenue;” and

**WHEREAS**, the creation of a share plan will permit the System to continue to receive insurance premium tax rebate monies from the State of Florida; and

**WHEREAS**, defined contribution share plans under Chapter 185 are entirely funded with premium taxes received from the State of Florida; and

**WHEREAS**, the City Council hereby finds that the adoption of this Ordinance is in the best interest and welfare of the residents of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA, THAT:** <sup>1</sup>

**Section 1. Recitals Adopted.** That the above-stated recitals are hereby adopted and confirmed.

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<sup>1</sup> Coding: ~~Strikethrough~~ words are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicted with yellow highlight.

**Section 2.**      **Creating Section 35-60 of the City Code.** That the Code of Miami Springs, Florida is hereby amended by creating Section 35-60 "Share Plan," which section shall read as follows:

Section 35-60. Share Plan

- a) Share Plan Established: The City of Miami Springs Police Officer Share Plan (hereinafter "Share Plan") is hereby established. The purpose of this section is to implement the provisions of Chapter 185, Florida Statutes, and to provide a mechanism to pay required "special benefits" pursuant to Section 185.35, Florida Statutes. The Share Plan may be funded exclusively with available premium tax revenue received from the State of Florida pursuant to Chapter 185 and shall be in addition to the monthly defined benefit payable by the City of Miami Springs Police and Firefighters Retirement System. The Share Plan shall be administered by the Board of Trustees of the City of Miami Springs Police and Firefighters Retirement System (hereinafter the "Pension Fund").
- b) Rule-Making Authority: The Board of Trustees of the Miami Springs Police and Firefighters Retirement System shall be authorized to adopt any rules necessary for the administration of the Share Plan.

**Section 3.**      **Conflict.** All Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

**Section 4.**      **Severability.** That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 5.**      **Inclusion in Code.** That it is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the City Code, that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions, and that the word Ordinance shall be changed to Section or other appropriate word.

**Section 6. Effective Date.** That this Ordinance shall become effective immediately upon adoption on second reading.

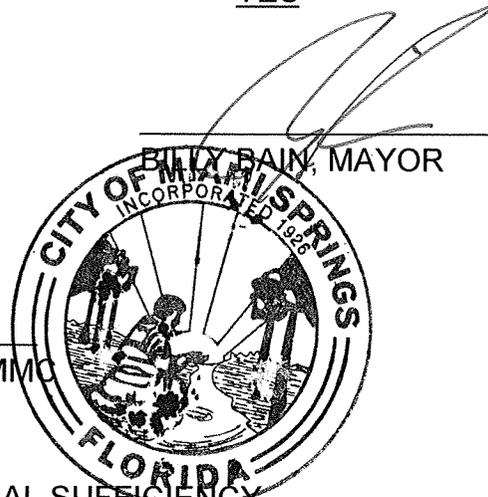
**PASSED ON FIRST READING** this 9<sup>th</sup> day of October, 2017, on a motion made by Vice Mayor Mitchell and seconded by Councilwoman Zapata.

**PASSED AND ADOPTED ON SECOND READING** this 23<sup>rd</sup> day of October, 2017, on a motion made by Councilman Petralanda and seconded by Councilwoman Zapata.

Vice Mayor Maria Puente Mitchell	<u>YES</u>
Councilman Bob Best	<u>YES</u>
Councilwoman Mara Zapata	<u>YES</u>
Councilman Jaime Petralanda	<u>YES</u>
Mayor Billy Bain	<u>YES</u>

ATTEST:

  
ERIKA GONZALEZ-SANTAMARIA, MMC  
CITY CLERK



APPROVED AS TO FORM AND LEGAL SUFFICIENCY  
FOR THE USE AND RELIANCE OF THE CITY OF MIAMI SPRINGS ONLY:

  
WEISS, SEROTA, HELFMAN, COLE & BIERMAN, P.L.  
CITY ATTORNEY